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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,952	10/30/2003	Leon Benhamou	3460-Z	6257

7590 06/29/2005
 Law Office of Jim Zegeer
 Suite 108
 801 North Pitt Street
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EXAMINER

KOROBOV, VITALI A

ART UNIT	PAPER NUMBER
2155	

2155

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/695,952	BENHAMOU, LEON	
Examiner	Art Unit	
Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 October 2003.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/5/04 and 4/1/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

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DETAILED ACTION

1. This is a first Office Action on the merits of this application. Claims 1-18 are presented for examination.

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: **Information Disclosure Statements** as received on 03/05/04 and 04/01/05 were considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 2, 4-10, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,697,845 to Andrews (hereinafter Andrews).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

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the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Andrews teaches a method of providing secure network management communications within a communication network, the communication network including a plurality of network elements each adapted to generate and process legacy network management messages in conformance with a legacy management system, the method comprising the steps of: embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message at a first network element (Col. 4, lines 36-43 – SNMP message "wrapper"); transmitting the first SNMP message over the network to a second network element (Col. 5, lines 42-50 – network manager generates SNMP request; col. 7, lines 17-20 – SNMP transmission to the managed node (second network element)); and extracting the first legacy network management message from the first SNMP message at the second network element (Col. 7, lines 20-23 – agent parses SNMP request, lines 25-29 – agent re-assembles the message).

Regarding claim 2, Andrews teaches the method of claim 1 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with a secure version of SNMP (Col. 4, lines 17-20).

Regarding claim 4, Andrews teaches the method of claim 1 wherein the legacy management system provides less security than SNMP (Col. 4, lines 10-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

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Regarding claim 5, Andrews teaches the method of claim 1 comprising the further steps of: generating the first legacy network management message at the first network element(Col. 3, lines 5-8 – AgentX PDUs are generated by a master agent – first network element); and processing the first legacy network management message at the second network element (Col. 3, lines 8-9 – re-assembly by PSA (second network element) of received AgentX packets into SNMP PDU packets).

Regarding claim 6, Andrews teaches the method of claim 5 comprising the further steps of: generating a second legacy network management message at the second network element in response to the first legacy network management message; embedding the second legacy network management message within a second SNMP message at the second network element; transmitting the second SNMP message over the network to the first network element; and extracting the second legacy network management message from the second SNMP message at the first network element (Col. 3, lines 26-35 – conversion and re-assembly of AgentX protocol into SNMP and back into AgentX at the master agent (first network element) and at the PSA (second network element)).

Regarding claim 7, Andrews teaches the method of claim 1 wherein the first network element is a management station, and wherein the second network element is a node (Col. 2, lines 62-66 – management system includes a master agent – first network element, for managing a node – second network element).

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Regarding claim 8, Andrews teaches the method of claim 1 wherein the first network element is a node, and wherein the second network element is a management station (Col. 5, lines 42-50 – SNMP entity can be both a manager and an agent).

Regarding claims 9,10 and 12, said claims encompass the same scope of the invention as that of the claims 1, 2 and 4-8, except that they set forth the invention as a system rather than a method, as do claims 1,2 and 4-8. Therefore, claims 9, 10 and 11 are rejected under the same rationale as the claims 1, 2 and 4-8. The instant application defines “an initiator” as an “ability implemented as software to generate network management messages, transmit the network management messages to nodes within the network, and process response messages received in response thereto” (See the first paragraph of the Background section) – the functionality fully covered by the limitations of claims 1, 2 and 4-8 and therefore does not introduce any additional limitation to those introduced by the above rejected claims 1, 2 and 4-8.

Regarding claim 13, Andrews teaches a Simple Network Management Protocol (SNMP) initiator at a management station within a communication network, comprising: instructions for receiving a legacy network management message which conforms to a legacy network management protocol (Col. 2, lines 48-51); instructions for embedding the legacy network management message within an SNMP message (Col. 2, lines 51-52); and instructions for transmitting the SNMP message to a node within the communication network (Col. 2, lines 53-54).

Regarding claim 14, Andrews teaches the SNMP initiator of claim 13 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines

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17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 15, Andrews teaches a Simple Network Management Protocol (SNMP) agent at a node within a communication network, comprising: instructions for receiving a first SNMP message from a management station within a communication network (Col. 3, lines 26-31 – message processing structure on SNMP master agent); instructions for extracting a first legacy network management message from the first SNMP message, the first legacy network management message conforming to a legacy network management protocol (Col. 3, lines lines 26-30 – parsing SNMP into AgentX protocol request); and instructions for sending the first legacy network management message to a legacy agent at the node (Col. 3, lines 30-35 – forwarding the message to a peer agent at the node).

Regarding claim 16, Andrews teaches the SNMP agent of claim 15 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 17, Andrews teaches the SNMP agent of claim 15 further comprising: instructions for receiving a second legacy network management message from the legacy agent; instructions for embedding the second legacy network

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management message within a second SNMP message; and instructions for transmitting the second SNMP message to the management station.

Regarding claim 18, Andrews teaches the SNMP agent of claim 17 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,697,845 to Andrews.

Regarding claim 3, Andrews teaches the method of claim 2 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with SNMP.

Andrews does not explicitly teach that the version of SNMP installed is specifically version 3 (SNMPv3).

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“Official Notice” is taken that the concept and the advantages of implementing a version 3 of the SNMP protocol over earlier versions 1.5 and 2 are well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Andrews by upgrading to a version 3 of SNMP protocol. One of ordinary skills in the art would be motivated to do so in order to realize additional features of version 3 over earlier versions 1.5 and 2.

Regarding claim 11, Andrews teaches the system of claim 10 wherein the SNMP initiator is adapted to transmit the first SNMP message in conformance with SNMP.

Andrews does not explicitly teach that the version of SNMP installed is specifically version 3 (SNMPv3).

“Official Notice” is taken that the concept and the advantages of implementing a version 3 of the SNMP protocol over earlier versions 1.5 and 2 are well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Andrews by upgrading to a version 3 of SNMP protocol. One of ordinary skills in the art would be motivated to do so in order to realize additional features of version 3 over earlier versions 1.5 and 2.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art

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disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

06/24/2005
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SALEH NAJJAR
PRIMARY EXAMINER